

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

M&T CAPITAL AND LEASING CORP,

Plaintiff,

v.

FREON LOGISTICS,

Defendant.

2:23-cv-01171-WBS-KJN

ORDER

Plaintiff filed a motion for default judgment against defendant on February 1, 2024. (ECF No. 15.) The matter is set for hearing on March 12, 2024. Pursuant to Local Rule 230(c), defendant was required to file an opposition or statement of non-opposition to the motion no later than fourteen (14) days after the filing date of the motion, i.e., February 15, 2024. Although that deadline has passed, no opposition or statement of non-opposition has been filed.

Out of an abundance of caution, and in light of the court's desire to resolve the action on the merits, the court provides defendant one additional, final opportunity to oppose the motion.

///

///

///

///

ORDER

Accordingly, IT IS HEREBY ORDERED that:

1. The March 12, 2024, hearing on plaintiff's motion for default judgment is VACATED. The court takes this matter under submission on the papers without oral argument, pursuant to Local Rule 230(g). The court will reschedule a hearing at a future date, if necessary;
2. Any opposition by defendant shall be filed no later than March 12, 2024, and the reply brief from plaintiff, if any, is due March 19, 2024;
3. Defendant is cautioned that failure to respond to the motion in compliance with this order will be deemed as consent to a summary grant of the motion, and may result in the imposition of a default judgment against it; and
4. Plaintiff shall promptly serve a copy of this order on defendant at its last-known address, and file proof of service.

Dated: February 28, 2024



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

Rs,m&tc.1171